



# MINUTES

## OCONEE COUNTY COUNCIL

### Regular Meeting

### March 07, 2023

#### MEMBERS, OCONEE COUNTY COUNCIL

Mr. John Elliott, Chairman, District I  
Mr. Julian Davis III, Chairman Pro Tem, District IV  
Mr. Don Mize, District III  
Mr. Glenn Hart, District V  
District II

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Amanda F. Brock, County Attorney David Root, & Jennifer C. Adams, Clerk to Council present.

**Press:** Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [[www.oconeesc.com/council](http://www.oconeesc.com/council)]. In addition, it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Riley Morningstar / The Journal, Dick Mangrum / 101.7 WGOG

#### **Call to Order**

Mr. Elliott called the meeting to order at 6:00 p.m.

Mr. Elliott opened the meeting reminding the public they have two opportunities to speak during Council meetings, which is during the public comment session and also during the public hearing session, if scheduled. Other than those two instances, the public should remain silent during the Council meeting. Anyone making a disturbance during the meeting will be asked to leave Council Chambers for the remainder of the meeting.

#### **Moment of Silence**

Mr. Root asked for a moment of silence prior to the Invocation by County Council Chaplain.

#### **Invocation by County Council Chaplain**

Mr. Root, County Council Chaplain, gave the invocation.

#### **Pledge of Allegiance**

Mr. Mize led the Pledge of Allegiance to the Flag of the United States of America.

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## Approval of Minutes

Mr. Hart made a motion, seconded by Mr. Mize, approved 4 - 0, to approve the February 21, 2023 regular meeting minutes as presented.

Mr. Hart made a motion, seconded by Mr. Mize, approved 4 - 0, to approve the February 24, 2023 Strategic Planning Retreat meeting minutes as presented.

## Attorney's Comments

Mr. Root noted to Council that two motions were needed regarding **Ordinance 2022-32** and Executive Session item number two regarding legal advice related to code enforcement procedures and prospective litigation.

Mr. Hart made a motion, seconded by Mr. Davis, approved 4 – 0, to remove third reading of **Ordinance 2022-32** from the agenda.

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to remove Executive Session item number two, “Receive legal advice related to code enforcement procedures and prospective litigation”, from the agenda.

## Administrator's Comments

None at this meeting.

## Public Comment Session

*If you are not able to attend in person and you have a comment, you may submit it by contacting our Clerk to Council, Jennifer C. Adams at [jennifercadams@oconeesc.com](mailto:jennifercadams@oconeesc.com) or 864-718-1023, so that she may receive your comment and read it into the record.*

1. Mr. Ken Charles spoke in opposition of the Fee in Leu of Tax agreement included within **Ordinance 2022-32**.
2. Pastor Carleathe Benson addressed Council with her concerns related to road maintenance, debris pickup, and affordable housing within the County.
3. Ms. Gwen McPhail addressed Council with her suggestions related to the Golden Corner Commerce Park, handling growth and preserving agriculture within the County.
4. Ms. Sandra Land expressed her support of proposed increased voting security at Pine Street Administration Offices.
5. Ms. Lyn Morrey spoke in opposition to Sewer South and the Golden Corner Commerce Park.
6. Mr. John Morrey spoke in opposition to Sewer South.
7. Mr. Luke Moore addressed Council with his concern that Sewer South will negatively impact the lifestyle of the agriculture community in Oconee County.
8. Ms. Lillian Lusk addressed Council with her concerns related to growth within the County and encouraged Council to offer farmers incentives to preserve their land.

## Council Members Comments

Mr. Elliott extended his thanks to all citizens in attendance and to those who spoke during public comment.

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Mr. Davis offered comments related to Fee in Lieu of Tax agreements, Sewer South, the Right to Farm Act and Oconee County Conservation Bank Board.

Ms. Brock added background information related to the Conservation Bank Board and noted the Agricultural Preservation Taskforce will be making their final presentation to Council at the March 21, 2023 meeting.

Mr. Hart addressed Ms. Lusk's comments related to preserving farmland.

**Public Hearings for the Following Ordinances** *If you would like to be heard during either of the public hearings, please contact Clerk to Council Jennifer C. Adams at [jennifercadams@oconeesc.com](mailto:jennifercadams@oconeesc.com) or 864-718-1023 so that your participation may be coordinated.*

**ORDINANCE 2022-32** AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A PUBLIC INFRASTRUCTURE REIMBURSEMENT AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA ("COUNTY"), WATERVIEW INVESTMENT I, LLC, AND RAVENEL DEVELOPMENT, LLC (PREVIOUSLY IDENTIFIED BY THE COUNTY AS PROJECT GREENPAW), WITH RESPECT TO CERTAIN PROPERTY IN THE COUNTY, WHEREBY SUCH PROPERTY WILL BE SUBJECT TO CERTAIN PAYMENTS IN LIEU OF TAXES, INCLUDING THE PROVISION OF CERTAIN SPECIAL SOURCE REVENUE CREDITS TO REIMBURSE WATERVIEW INVESTMENT I, LLC, AND RAVENEL DEVELOPMENT, LLC FOR CERTAIN INFRASTRUCTURE COSTS INCURRED; AUTHORIZING THE EXECUTION AND DELIVERY THEREOF; AUTHORIZING THE PLACEMENT OF CERTAIN PROPERTY WITHIN THE BOUNDARIES OF A MULTICOUNTY INDUSTRIAL OR BUSINESS PARK OR THE CREATION OF A NEW MULTICOUNTY INDUSTRIAL OR BUSINESS PARK; AND OTHER MATTERS RELATING THERETO.

Mr. Elliott opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Mr. Elliott opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council and no citizen submitted or presented any written comments for the record.

Mr. Elliott closed the Public Hearing regarding **Ordinance 2022-32**.

### **Third Reading of the Following Ordinances**

**ORDINANCE 2022-32** *[see caption above]*

*(At the request of Mr. Root, County Attorney, **Ordinance 2022-32** was removed from agenda on a motion made by Mr. Hart, seconded by Mr. Davis, approved 4 – 0.)*

### **Second Reading of the Following Ordinances**

**ORDINANCE 2023-04** AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A REAL PROPERTY LEASE AGREEMENT BETWEEN OCONEE COUNTY AS LESSOR AND THE ROSA CLARK MEDICAL CLINIC ASSOCIATION, INC. AS LESSEE, IN RELATION TO CERTAIN COUNTY-OWNED PROPERTY LOCATED ADJACENT TO THE OCONEE COUNTY MAGISTRATE'S OFFICE LOCATED AT 1600 E. MAIN STREET, WESTMINSTER, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO.

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Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to approve **Ordinance 2023-04** on second reading.

**First Reading of the Following Ordinances**

**ORDINANCE 2023-06** AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OWNED BY OCONEE COUNTY, CONSISTING OF APPROXIMATELY .15 ACRES AND BEING A PORTION OF TAX MAP # 520-36-10-017 (“PARCEL 1”), AND AUTHORIZING THE RECEIPT OF CERTAIN REAL PROPERTY OWNED BY PINE RIDGE MHC SC, LLC, CONSISTING OF APPROXIMATELY .25 ACRES AND BEING A PORTION OF TAX MAP # 240-00-04-023 (“PARCEL 2”) IN EXCHANGE FOR THE CONVEYANCE OF PARCEL 1; AND OTHER MATTERS RELATED THERETO.

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 - 0, to approve **Ordinance 2023-06** on first reading.

**First and Final Reading for the Following Resolutions**

None at this meeting.

**Discussion Regarding Action Items**

**Title: Axon Interview Equipment, Software and Storage**

**Department(s): Sheriff’s Office**

**Amount: \$99,772.85**

**Procurement was approved by Council in Fiscal Year FY 2022-2023 Budget process.**

**Budget: \$99,772.85 Project Cost: \$99,772.85 Balance: \$0.00**

This purchase is for Axon Interview equipment, software and unlimited Evidence.com cloud storage for the Oconee County Sheriff’s Office. Axon Interview is a cloud-based system that streamlines the interview process and maintains a complete chain of custody with audio and video. This system integrates with the Sheriff’s Office Body Worn Camera’s and allows for any recordings from the cameras to be stored in the Axon Evidence.com Cloud Storage System. This system will allow the OCSO to securely share digital evidence with other agencies or prosecutors without creating copies or requiring the data to leave the agency’s domain of control. Recordings are integrated with the Axon network and security system. Evidence.com provides Chain-of-Custody audit logs that automatically track all system and user activity. These logs cannot be edited or deleted, even by account administrators and IT staff.

Data Security: Robust Transport Layer Security (TLS) implementation for data in transit and 256-bit AES encryption for data in storage with four redundant data centers in the United States.

The Axon Interview Room and Evidence.com Data Management System will include equipment, installation, implementation in four (4) interview rooms at the Sheriff’s Office.

The cost of this purchase is \$14,642.03 for Hardware / Equipment. Software and Warranties \$17,026.17 per year thereafter. The Software and Warranties for years 2023-2027 will be included in the department’s budget requests for corresponding year.

The 5-year Payment schedule is:

March 2023 \$14,642.03 (Equipment and Installation)

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August 2023	\$17,026.16 (Software/Warranties)
August 2024	\$17,026.16 (Software/Warranties)
August 2025	\$17,026.16 (Software/Warranties)
August 2026	\$17,026.16 (Software/Warranties)
<u>August 2027</u>	<u>\$17,026.16 (Software/Warranties)</u>
Total	\$99,772.85

***It is the staff's recommendation that Council:***

- 1. Approve entering into a five-year agreement with Axon Enterprises, Inc., of Scottsdale, AZ, for Axon Interview and associated equipment for a total amount of \$99,772.85.***
- 2. Authorize the County Administrator to execute the Payment Schedule Agreement in substantially the same form as attached hereto (or with such material changes as benefit the County, upon advice of the County Attorney), along with such other documents necessary to make this purchase.***

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to approve entering into a five-year agreement with Axon Enterprises, Inc., of Scottsdale, AZ, for Axon Interview and associated equipment for a total amount of \$99,772.85 and to authorize the County Administrator to execute the Payment Schedule Agreement in substantially the same form as attached hereto (or with such material changes as benefit the County, upon advice of the County Attorney), along with such other documents necessary to make this purchase.

**Title: Change Order # 1 PO #55160 Smith Gardner, Inc.**

**Department(s): Solid Waste**

**Amount: Original Purchase Order: \$ 87,070.00**  
**Change Order 1: \$ 30,000.00**  
**Total: \$ 117,070.00**

**Procurement was approved by Council in Fiscal Year 2022-2023 budget process.**  
**Budget: \$ 117,070.00      Project Cost: \$ 117,070.00      Balance: \$ 0.00**

At the October 18, 2022 Council meeting, Council approved \$87,070.00 to Smith Gardner, Inc. for Engineering, Permitting, Monitoring and Drilling of additional ground water and stream water monitoring wells at the Seneca Landfill. The project was required by South Carolina Department of Health and Environmental Control (DHEC) to further evaluate and delineate the groundwater contaminant plume that exists beneath and to the east of the closed Class 3 municipal solid waste (MSW) landfill.

Smith Gardner, Inc. subcontracted the well installation to Betts Environmental and drilling started on December 5, 2022, however, due to inclement weather, traversing the work area with the drill rig and support vehicles became almost impossible. Advancement of drilling activities was also significantly slowed due to encountering rock formations as the boreholes were advanced. Work continued until December 19, 2022, when the decision was made to suspend drilling activities until January 2023 to allow for potential breaks in the inclement weather and for site conditions to improve. Well installation activities were reinitiated on January 16, 2023, with well installations completed by January 24, 2023.

Due to inclement weather and encountering rock during the drilling process this caused additional days to complete the project. Staff is requesting Council approval of Change Order #1, PO #55160 in the amount \$30,000.00 to cover the additional cost.

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*It is the staff's recommendation that Council:*

- 1. Approve Change Order #1, PO 55160 to Smith Gardner, Inc. in the amount of \$30,000.00, for a total purchase order amount of \$ 117,070.00.*
- 2. Authorize the County Administrator to execute documents for this change order.*

Mr. Davis made a motion, seconded by Mr. Mize, approved 4 – 0, to approve Change Order #1, PO 55160 to Smith Gardner, Inc. in the amount of \$30,000.00, for a total purchase order amount of \$ 117,070.00 and to authorize the County Administrator to execute documents for this change order.

**Procurement #: RFP 22-07 Title: Hauling and Disposing of Solid Waste**

**Department: Solid Waste**

**Amount: Not to Exceed Approved 2023-2024 Budget Amount**

**Funding will be requested in the 2023-2024 Fiscal budget process.**

In August of 1998, the Seneca MSW Class 3 landfill closed and the Oconee County Transfer Station was opened. In 1998, RFP 97-35 was awarded to Waste Management for a 5-year contract with the option to renew for four (4) additional five (5) year terms. The contract started with a tipping and hauling fee of \$25 per ton and allowed for a CPI increase each year, if requested by Waste Management, and could not exceed 5 percent per year. The last five (5) year term started on July 1, 2018 and ends June 30, 2023. The current tipping and hauling fee for FY23 is \$37.03 per ton.

RFP 22-07, Hauling and Disposing of Solid Waste was issued on November 16, 2022. Two (2) Proposals and One (1) No Bid was received on January 10, 2023. An Evaluation Committee consisting of County Staff reviewed / scored all responses and unanimously recommended Waste Management / R&B Landfill of Homer GA for the award. The tipping fee for this contract is \$48.78 per ton. The contract allows for a CPI increase each year, if requested by the company. This increase is based on the Consumer Price Index and shall not exceed 5% in any one year.

The current contract for Hauling and Disposing of Solid Waste expires June 30, 2023. The contract for RFP 20-07 will begin July 1, 2023 and end June 30, 2033. The County has the option to renew for up to two (2) additional ten (10) year terms, providing the services are satisfactory. This assures the County that the landfill would accommodate ALL the County's MSW waste for the next 30 years.

Based upon the historical tonnage increases, the estimated amount of this contract for FY 2023-2024 is a minimum of 2.5 million, which will be included in the FY 2023-2024 and future years' budgets for the Solid Waste department.

*It is the staff's recommendation that Council:*

- 1. Approve RFP 22-07, Hauling and disposing of Solid Waste, to Waste Management / R&B Landfill, of Homer, GA, in an amount not to exceed the approved 2023-2024 budget amount for the expenditure.*
- 2. Authorize the County Administrator to execute the contract documents and to renew this contract for up to two (2) additional ten (10) year terms, as long as the amount does not exceed the amount(s) budgeted for Hauling and Disposing of Solid Waste and the services provided are satisfactory.*

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Mr. Davis made a motion, seconded by Mr. Hart, to approve RFP 22-07, Hauling and disposing of Solid Waste, to Waste Management / R&B Landfill, of Homer, GA, in an amount not to exceed the approved 2023-2024 budget amount for the expenditure and to authorize the County Administrator to execute the contract documents and to renew this contract for up to two (2) additional ten (10) year terms, as long as the amount does not exceed the amount(s) budgeted for Hauling and Disposing of Solid Waste and the services provided are satisfactory.

Mr. Davis noted that he believes this is a fair amount for waste disposal.

Ms. Brock noted that even though this does not “feel like a deal”, it really is the cost of doing business and as the County continues to grow so does the requirement of waste disposal.

Mr. Hart noted that recycling is important to help keep the waste disposal cost down.

Motion approved 4 – 0.

**Council consideration and approval of the Oconee County Site Acquisition Grant Application for the SC American Revolution Site Grants: Planning, Acquisition, Development, Renovation Program. [Contingent on grand award.]**

**Department: Administration**

**Project Total: \$225,000.00 / Oconee County Portion: \$45,000.00**

- The application is for site acquisition of a certain historically significant property in Fair Play, South Carolina.
- The purpose of the site acquisition would be for the establishment of a public historic site and for the protection / preservation of historically significant, irreplaceable artifacts and petroglyphs at the location.
- The property is approximately 40 acres and has evidence of Cherokee and American Revolutionary War influence on site.
- The estimated cost is \$225,000.00, 80% of which would be paid for through the grant opportunity, if awarded. The County match would be 20% or \$45,000.00.
- The site is located in close proximity to the interstate, various state parks, residential communities and the Georgia / South Carolina border.

The purpose of this grant application is for the acquisition of a certain historically significant property, located off Highway 11 in Fair Play for the purpose of establishing a public historic site and preserving artifacts and petroglyphs on the property. The site acquisition is contingent on the award of the grant.

The balance of funding needed for the site acquisition grant would come from the Capital Projects Fund and would not exceed \$45,000.00. The allocation of funds is contingent on the award from the SC American Revolution Site Grants: Planning, Acquisition, Development, Renovation Program.

***It is the staff’s recommendation that Council support the site acquisition grant application for the purpose of acquiring the historically significant site, and approve the commitment for matching funds, if awarded.***

Mr. Hart made a motion, seconded by Mr. Mize, that Council support the site acquisition grant application for the purpose of acquiring the historically significant site, and approve the commitment for matching funds, if awarded.

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Ms. Brock added further details regarding the above request, noting that the location of this property has purposefully not been disclosed in efforts to preserve its historic nature.

Ms. Brock noted to Mr. Hart that in order to protect the petroglyphs that are exposed to the elements some clean up of the area would need to happen.

Motion approved 4 – 0.

### **Council Committee Reports**

*Law Enforcement, Public Safety, Health & Welfare / Mr. Davis .....February 21, 2023*

Mr. Davis provided information outlining discussions held at the February 21, 2023 Law Enforcement, Public Safety, Health and Welfare Committee meeting.

### **Board & Commission Appointments**

#### **Building Codes Appeal**

No nominations made by Council for the At-Large seat on the Building Codes Appeal Board.

#### **Conservation Bank Board**

Mr. Davis made a nomination, approved 4 – 0, to appoint Mr. Taylor Howard as the District IV representative on the Conservation Bank Board.

#### **Board of Zoning Appeals**

No nominations made by Council for the District I seat on the Board of Zoning Appeals.

#### **Planning Commission**

Mr. Elliott made a nomination, approved 3 – 1 [Mr. Hart opposed] to re-appoint Ms. Teresa Spicer as the District I representative on the Planning Commission.

Mr. Root, County Attorney, noted to Mr. Hart that there is no rule barring the nomination of Ms. Spicer.

#### **Agriculture Advisory Board**

No nomination made by Council for the District II seat on the Agricultural Advisory Board.  
Mr. Elliott made a nomination, approved 4 – 0, to appoint Mr. Joshua Owens as the At-Large representative on the Agricultural Advisory Board.

### **Oconee Economic Alliance Member Appointment by Council**

Mr. Elliott made a nomination, approved 4 – 0, to appoint Mr. Don Mize, District III, as the Oconee Economic Alliance member.

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**Executive Session:**

Mr. Hart made a motion, seconded by Mr. Mize, enter into Executive Sessions for the following purposes, as allowed for § 30-4-70(a) of the South Carolina Code of Laws:

1. *Receive legal advice and discussion opioid litigation and recent settlement developments.*
2. *Receive legal advice related to code enforcement procedures and prospective litigation.*
3. *Discussion regarding an Economic Development matter, Project Feather.*
4. *Council discussion of a personnel matter related to the County Administrator.*

Council entered into Executive Session at 6:52p.m.

Council returned from Executive Session at 7:42 p.m. on a motion made by Mr. Davis, seconded by Mr. Hart, approved 4 – 0.

Mr. Elliott noted there was no action taken in Executive Session.

Mr. Root, County Attorney, noted that three motions were needed from Council.

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to authorize County Administrator to execute similar participation agreements in relation to a possible round two of opioid litigation and settlements, if they are generally consistent with round one settlements that were previously approved by Council.

Mr. Davis made a motion, seconded by Mr. Hart, approved 4 – 0, to direct staff to continue negotiations as discussed in relation to Project Feather.

Mr. Davis made a motion, seconded by Mr. Mize, approved 4 – 0, to authorize Council Chair to execute an amendment to the County Administrator’s contract, extending the contract by one year and authorize a \$10,000 raise.

**Adjourn:**

Mr. Hart made a motion, approved unanimously, to adjourn at 7:43 p.m.

Respectfully Submitted:

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Jennifer C. Adams  
Clerk to Council

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